

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 05-03

Introduced by Council President Wagner at the request of the County Executive

Legislative Day No. 05-03 Date January 18, 2005

AN ACT to repeal and re-enact, with amendments, Section 267-49, Housing for the elderly, of Article VII, Design Standards for Special Developments, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide for minimum conditions and covenants regarding age restrictions; and generally relating to housing for the elderly.

By the Council, January 18, 2005

Introduced, read first time, ordered posted and public hearing scheduled

on: February 15, 2005

at: 7:00 p.m.

By Order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on February 15, 2005, and concluded on, February 15, 2005.

Barbara J. Ruth, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 267-49, Housing for the elderly, of Article VII, Design Standards for Special Developments, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, be, and it is hereby, repealed and re-enacted, with amendments, all to read as follows:

Chapter 267. Zoning

Part 1. Standards

Article VII. Design Standards for Special Developments

§ 267-49. Housing for the elderly.

A. Eligibility. Housing for the elderly shall have the following eligibility requirements:

(1) In the B3 and CI Districts, the minimum lot size shall be [ten] 10 acres. In the R1, R2, R3, R4, VR and VB Districts, the minimum lot size shall be [four] 4 acres.

(2) Where such a project cannot be served by public water supply and public sewage disposal systems, water supply and sewage disposal adequate to meet the needs of the residents shall be provided in a system approved by the County Health Department.

B. Development standards.

(1) Permitted uses. The accessory uses permitted in a housing-for-the-elderly project may include convenience goods stores, personal services, professional services, restaurants, health services and medical clinics. Common activity areas, including the above uses, and other areas serving the collective needs of the residents shall not exceed 100 square feet per dwelling unit. Permitted housing types shall include townhouse dwellings, patio/court/atrium dwellings, multiplex dwellings, garden apartment dwellings and mid-rise apartment dwellings.

(2) Density. The maximum density shall be [seven] 7 units per gross acre in R1 and R2 Districts, [fourteen] 14 units per gross acre in the R3, R4, B3 and CI Districts and [five] 5 units per

acre in the VR and VB Districts. In the AG/MO District, the maximum density shall be 14 units per gross acre. No more than 300 units shall be permitted in any such project.

(3) Site design.

(a) The project shall be designed with regard to soils, topography and natural and historic features of the parcel.

(b) All residential structures shall be sited so as to promote privacy and security and to ensure natural light for all living areas.

(c) Buildings near the periphery of the project shall be harmonious with neighborhood areas and shall provide adequate transition in density and type or shall provide a buffer yard as required in §267-28C. In the CI and B3 Districts, a buffer yard 20 feet wide shall be provided.

(d) No building shall be located within [ten] 10 feet of the private road right-of-way and parking areas.

(e) Business uses in housing for the elderly shall be designed with their primary orientation to the project and integrated with the dwelling units consistent with the needs of the future residents. Business uses shall occur within completely enclosed buildings. No freestanding signs advertising business uses shall be permitted.

(4) Vehicular circulation and access.

(a) The project roads shall be designed to provide a logical road network adequate for internal movement.

(b) The project must be directly accessible from one or more existing or planned arterial, collector or primary residential roads.

(c) Particular attention shall be given to providing safe conditions for both pedestrian and vehicular movements.

(d) Adequate access shall be provided for emergency vehicles and personnel.

(e) Internal roads may be designed and constructed as private roads in accordance with the private road standards established in the Harford County Subdivision Regulations.

(5) Open space. The open space shall be generally continuous, accessible to the residents and protective of natural features. At least 50% of the total parcel area shall be in open space.

(a) Recreational facilities. Adequate recreational facilities shall be constructed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of the facilities at the time the project is approved.

(b) The active recreation space shall be a minimum of one-half acre and may include indoor and outdoor facilities designed to provide opportunity and encouragement for physical activity. The required active open space may be reduced by the Zoning Administrator based upon the specific program proposed by the developer.

(6) MINIMUM CONDITIONS AND COVENANTS REGARDING AGE RESTRICTIONS:

(A) THE FOLLOWING CONDITIONS AND COVENANTS ARE REQUIRED, AT A MINIMUM, TO BE CONTAINED IN DEEDS OF COVENANTS, CONDITIONS AND RESTRICTIONS TO BE RECORDED AT THE TIME THAT A PLAT FOR THE HOUSING FOR THE ELDERLY DEVELOPMENT IS RECORDED:

1 [1] THE PROJECT IS INTENDED TO CONSTITUTE HOUSING
2 INTENDED AND OPERATED FOR OCCUPANCY BY AT LEAST ONE PERSON 55 YEARS OF
3 AGE OR OLDER PER UNIT, TO THE EXTENT REQUIRED BY THE HOUSING FOR OLDER
4 PERSONS ACT OF 1995 AND SECTION 807(b)(2)(C) OF THE FAIR HOUSING ACT (42 U.S.C.
5 3607(b)(2)(C)) (THE "FAIR HOUSING ACT").

6 [2] SUBJECT TO THE PROVISIONS OF PARAGRAPH [6]
7 BELOW, AND EXCEPTIONS OTHERWISE AUTHORIZED AND APPROVED BY THE BOARD,
8 EACH UNIT MUST BE OCCUPIED BY AT LEAST ONE RESIDENT WHO IS 55 YEARS OF
9 AGE OR OLDER.

10 [3] RESIDENTS UNDER 19 YEARS OF AGE OR YOUNGER
11 ARE NOT PERMITTED UNLESS SUCH PERSON IS (I) NECESSARY TO PROVIDE A
12 REASONABLE ACCOMMODATION TO A HANDICAPPED RESIDENT, OR (II) IS A
13 HANDICAPPED DEPENDENT OF A RESIDENT, ONLY TO THE EXTENT PERMITTED
14 AND/OR REQUIRED BY THE PROVISIONS OF THE FAIR HOUSING ACT.

15 [4] GUESTS OF OWNERS OR RESIDENTS WHO ARE UNDER
16 19 YEARS ARE PERMITTED TO STAY IN THE UNIT FOR PERIODS OF TIME NOT TO
17 EXCEED A TOTAL OF 60 CALENDAR DAYS FOR EACH SUCH GUEST IN ANY ONE
18 CALENDAR YEAR (WITH EACH CALENDAR YEAR BEING MEASURED FROM JANUARY
19 1ST THROUGH DECEMBER 31ST OF ANY GIVEN YEAR).

20 [5] NOTHING CONTAINED HEREIN SHALL BE DEEMED TO
21 PROHIBIT THE DAILY VISITATION BY PERSONS NOT OTHERWISE PERMITTED TO
22 OCCUPY A UNIT (INCLUDING PERSONS UNDER 19 YEARS OF AGE WHO ARE FAMILY

1 MEMBERS OR GUESTS OF THE OWNER OR OCCUPANT OF A UNIT), PROVIDED SUCH
2 VISITATION SHALL NOT BE FOR A PERIOD OF MORE THAN 72 CONTINUOUS HOURS.

3 [6] SUBJECT TO THE PROVISIONS OF THE FAIR HOUSING
4 ACT, A SURVIVING SPOUSE OF AN OWNER OR RESIDENT WHO WAS 55 YEARS OF AGE
5 OR OLDER MAY RETAIN THE OCCUPANCY OF THE UNIT WITHOUT REGARD TO THE
6 AGE OF THE SURVIVING SPOUSE PROVIDED, HOWEVER, THAT THE CONTINUED
7 OCCUPANCY OF THE SURVIVING SPOUSE DOES NOT VIOLATE THE REQUIREMENTS OF
8 THE FAIR HOUSING ACT THAT AT LEAST 80% OF THE UNITS BE OCCUPIED BY A
9 PERSON WHO IS 55 YEARS OF AGE OR OLDER. IN THE EVENT THAT LESS THAN 80% OF
10 THE UNITS ARE OCCUPIED EXCLUSIVELY BY PERSONS WHO ARE 55 YEARS OF AGE OR
11 ~~YOUNGER~~ OLDER, THE OWNERS OR RESIDENTS MAY BE REQUIRED BY THE ENTITY
12 NAMED IN THE COVENANTS AND RESTRICTIONS AS HAVING SUCH AUTHORITY
13 (HEREINAFTER REFERRED TO AS "THE BOARD") TO VACATE THE UNITS IN ORDER TO
14 COMPLY WITH THE REQUIREMENTS OF THE FAIR HOUSING ACT. IN THE EVENT THAT
15 THE BOARD REQUIRES THAT AN OWNER OR RESIDENT VACATE THEIR UNIT, THE
16 OWNER OR RESIDENT MUST VACATE WITHIN 180 DAYS FROM THE DATE OF DEATH
17 OR PERMANENT ABSENCE OF THE QUALIFYING 55 YEAR OLD OWNER OR RESIDENT.

18 [7] THE BOARD SHALL HAVE THE AUTHORITY TO ADOPT
19 SUCH RULES AND REGULATIONS AS IT MAY DEEM NECESSARY OR DESIRABLE TO
20 IMPLEMENT THE FOREGOING RESTRICTIONS AND TO ENSURE THAT THE PROPERTY
21 OTHERWISE COMPLIES WITH THE FAIR HOUSING ACT AND ANY CORRESPONDING
22 STATE OR LOCAL LAW OR ORDINANCE (AND ANY REGULATIONS PROMULGATED
23 THEREUNDER). IN THE EVENT THAT THE EXEMPTIONS RELATING TO "HOUSING FOR

1 OLDER PERSONS” UNDER THE FAIR HOUSING ACT OR ANY STATE OR LOCAL LAW OR
2 ORDINANCE, AS APPLIED TO THE PROPERTY, SHALL BE MODIFIED, EXPANDED,
3 SUPPLEMENTED, CLARIFIED, DEFINED, EXPLAINED AND/OR LIMITED, THE BOARD
4 SHALL HAVE THE AUTHORITY TO ADOPT RULES AND REGULATIONS MODIFYING
5 SUCH RESTRICTIONS TO THE EXTENT DEEMED NECESSARY OR DESIRABLE BY THE
6 BOARD IN RESPONSE THERETO PROVIDED, HOWEVER, THAT NO SUCH RULE OR
7 REGULATION SHALL CAUSE OR ALLOW THE PROPERTY TO NO LONGER QUALIFY FOR
8 EXEMPTION UNDER THE FAIR HOUSING ACT OR ANY STATE OR LOCAL LAW OR
9 ORDINANCE WITHOUT THE EXPRESS PRIOR WRITTEN CONSENT OF THE DECLARANT.

10 [8] EACH OWNER OR OCCUPANT OF A UNIT, IF AND
11 WHEN REQUESTED TO SO DO BY THE BOARD, SHALL PROMPTLY FURNISH THE BOARD
12 WITH THE NAMES AND AGES OF ALL OCCUPANTS OF THE UNIT AND SHALL
13 COMPLETE AND SUBMIT SUCH AFFIDAVITS AND OTHER DOCUMENTS AS THE BOARD
14 MAY REASONABLY REQUEST TO VERIFY THE AGE OF ALL UNIT OCCUPANTS.

15 (B) IN ORDER TO MODIFY ANY OF THE CONDITIONS CONTAINED
16 IN SUBSECTION B(6) HEREIN, THE ENTITY DESIGNATED IN THE COVENANTS AND
17 RESTRICTIONS AS HAVING SUCH AUTHORITY MUST RECEIVE THE WRITTEN
18 APPROVAL OF HARFORD COUNTY. ANY SUCH MODIFICATION MUST BE RECORDED IN
19 THE LAND RECORDS OF HARFORD COUNTY, MARYLAND TO BE EFFECTIVE.

20 C. Specified design requirements.

21 (1) Front, rear and side yards and maximum height shall be as shown on Table VII,
22 Design Requirements for Specific Uses/R4 Urban Residential District for residential: PRD.

(2) The project design shall be compatible with residential uses in the neighborhood. Evaluation of the compatibility shall be based upon height, facade, building bulk and architectural features of the project and of the neighborhood.

(3) Distance between building blocks. The following minimum distances are established for townhouses, patio/court/atrium, multiplexes, garden and mid-rise apartment buildings as follows:

<u>Building Block Walls</u>	<u>Distance Between Building Blocks (feet)</u>
Blank end wall to blank wall	20
Blank end wall to window wall	30
Window wall to window wall	55 or a distance equal to sum of the height of the 2 buildings, whichever is greater

(4) Maximum building coverage. The maximum building coverage shall be as follows:

	Maximum Building Coverage
<u>Dwelling Types</u>	<u>(percent of total lot)</u>
Patio/court/atrium, townhouse and multiplex	40%
Garden and mid-rise apartments	30%

(5) Impervious surface ratio. The maximum impervious surface for any housing-for-the-elderly project shall not exceed 50% of the total parcel area.

1 (6) The height of each structure, other than garden or mid-rise apartments, shall
2 comply with the height requirement of the district. The height of a garden or mid-rise apartment is
3 limited to 50 feet in the R1 and R2 Zone and 60 feet in R3, R4, AG/MO and CI Zones.

4 (7) Signs. Entrance signs shall conform with the provisions for permanent
5 residential entrance or development project signs as contained in the Sign Code.

6 Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date
7 it becomes law.

EFFECTIVE: May 14, 2005

*The Council Administrator does hereby certify that
fifteen (15) copies of this Bill are immediately available for
distribution to the public and the press.*

Council Administrator

BILL NO. 05-03
As Amended

HARFORD COUNTY BILL NO. 05-03

Brief Title Zoning Code – Elderly Housing
is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. Ruth
Council Administrator

Date March 8, 2005

ENROLLED

Robert S. Hagen
Council President

Date March 8, 2005

BY THE COUNCIL

Read the third time.

Passed: LSD 05-08

Failed of Passage: _____

By Order

Barbara J. Ruth
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9th day of March, 2005 at 3:00 p.m.

Barbara J. Ruth
Council Administrator



BY THE EXECUTIVE

James M. Harkins
COUNTY EXECUTIVE

APPROVED: Date March 15, 2005

BY THE COUNCIL

This Bill No. 05-03 As Amended, having been approved by the Executive and returned to the Council, becomes law on March 15, 2005.

EFFECTIVE DATE: May 14, 2005

Barbara J. Ruth
Barbara J. Ruth, Council Administrator

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